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SERIES I No. 7

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

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### EXTRAORDINARY

#### GOVERNMENT OF GOA

Department of Printing & Stationery  
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#### Notification

5/30/2021-2022-DPS/Part-II/190

In Official Gazette, Series I No. 7 dated 19-5-2022 at page 285, Order No. 9/17/94-HD(G)/Part./652 of Department of Home regarding "Issuance of General Guidelines to consider the cases for the premature release of life convicts Prisoners by the State Sentence review Board of Goa" may be withdrawn as the said order has been published incomplete.

Hence the said order is hereby republished in Official Gazette No. 7 (Extraordinary) dated 25-5-2022 i.e. the current issue.

Since it is printing error, Government Printing Press apologises for the same.

*Rajendra Mirajkar*, Director (Printing & Stationery).

Panaji, 25th May, 2022.

Department of Home  
Home—General Division

#### Order

9/17/94-HD(G)/Part./652

Subject: Issuance of General Guidelines to consider the cases for the premature

release of life convicts Prisoners by the State Sentence Review Board of Goa.

In exercise of the powers conferred under sections 432 read with section 433 and 433A of the Criminal Procedure Code, 1973, Government of Goa hereby frames the following general guidelines to consider the cases for the premature release of life convicts prisoners by the State Sentence Review Board of Goa, namely:—

#### General Guidelines for the State Sentence Review Board in View of Sub-Rule (8) of Rule 1245 of Goa Prisons Rules, 2021

1. Every convicted prisoner whether male or female undergoing life imprisonment sentence and covered under provision of Section 433-A of CrPC shall be eligible to be considered for premature release from the prison after serving the sentence of 14 years of actual imprisonment i.e. without remission. However, completion of 14 years in prison by itself would not entitle a life convict to automatically release from the prison and the State Sentence Review Board shall have the discretion to release a convict, at an appropriate time in all cases considering the circumstance in which the crime was committed and other relevant factors.

2. The State Sentence Review Board shall consider factors like: (a) Whether the convict

has lost his potential for committing crime considering his overall conduct in Jail during the 14 years of actual incarceration; (b) The possibility of reclaiming the convict as a useful member of the society; (c) Socio-economic condition of the convict's family.

3. These guidelines are for the guidance of State Sentence Review Board to arrive at a logical decision in premature release of prisoners undergoing life sentence from time to time.

4. The period of imprisonment to be undergone including remission subject to minimum years of actual imprisonment including set off period for various crimes shall be as specified in column No. 3 of Schedule-I and column No. 4 of Schedule-II below:—

SCHEDULE – I

Sr. No.	Categorization of Crime	Total period of imprisonment including/adding remission, subject to a minimum of 14 years of actual imprisonment including set off period
(1)	(2)	(3)
1.	<i>Offences relating to crime by women</i>	
(a)	Where the convict has no previous criminal history and has committed the murder in an individual capacity in a moment of anger and without premeditation or under physical mental provocation.	18
(b)	Where the convict has committed the murder with premeditation or by a gang.	20
2.	<i>Offences relating to crime against women and minors</i>	
(a)	Where the convict has no previous criminal history and committed the murder in an individual capacity in a moment of anger and without premeditation.	20
(b)	Where the crime as mentioned above committed with premeditation.	22
(c)	Where the crime is committed with exceptional violence and or with brutality or death of victim due to burns.	26
(d)	Murder with rape.	28
3.	<i>Murders arising out of land dispute, family feuds, family prestige and superstition</i>	
(a)	If the offence is committed in individual capacity and without premeditation.	20
(b)	Crime committed as above with premeditation, either individually or by a gang.	22
4.	<i>Murders for other reasons</i>	
(a)	Where a murder is committed without premeditation in an individual capacity and the person has no previous criminal history.	20
(b)	Murder committed with premeditation or a person having criminal history.	22
(c)	Murder resulting from trade union activities and business rivalry.	22
(d)	Murder committed by more than one person/group of persons.	24

(1)	(2)	(3)
(e)	Murder committed with exceptional violence/brutality/kidnapping. Murder committed by dacoits and robbers in the act of committing dacoits and robberies. Murder committed by bootleggers, gamblers, flesh traders etc.	26
5.	<i>Murder for political reasons</i>	
(a)	Murders arising out of political rivalry and political interest without premeditation.	24
(b)	Murder arising out of political rivalry and political interest with premeditation.	26
6.	<i>Murder for serious offences</i>	
(a)	Murder committed by Gangsters, Contract killers, Racketeers etc.	28
(b)	Persons already convicted for life imprisonment and is/are convicted again for murder.	30
(c)	Convict awarded more than one life sentence and sentences running concurrently.	30
(d)	Prisoners whose death sentence has been commuted to life imprisonment.	30
7.	<i>Punishment under the special acts such as TADA, Goa Children's Act 2003, POTA for murder, Offences committed against the State/Offences committed by extremists/terrorists/organized crimes or similar nature of offences</i>	
(a)	Convict awarded one life sentence.	40
(b)	Convict awarded two life sentence and sentences running concurrently.	50
(c)	Convict awarded more than two life sentence and sentences running concurrently.	60
8.	Any other such offences which are of an exceptional/heinous nature and not specifically covered in above categories.	The State Government will decide individual cases on merit

#### SCHEDULE-II

Persons guilty of offences not involving murder who are sentenced to life imprisonment where section 433 (a) of CrPC is not applicable.

Sr. No.	I.P.C. section	Nature of Offence	Total period of imprisonment including/adding remission, subject to the minimum of 10 years of actual imprisonment including set off period.
(1)	(2)	(3)	(4)
1	304, 307	Persons guilty of homicides not amounting to murder, causing death by negligence, attempt to murder etc.	14
2	304 (b)	Person guilty of causing death for Dowry	20
3	311	Persons guilty under this section (Thugs)	14
4(a)	313, 314	Persons guilty of causing miscarriage of unborn child without woman's consent or any such act which results in her death.	14
4(b)		In case such victim is minor.	16
5	326, 329	Persons guilty of causing grievous hurt under these sections.	14
6	363 (A)(2)	Persons guilty of kidnapping for maiming.	18

(1)	(2)	(3)	(4)
7(a)	364	Persons guilty of kidnapping for ransom.	16
7(b)		In such case victim is minor.	18
8(a)	376	Persons guilty in rape cases.	18
8(b)		Where victim is minor.	20
8(c)	376(1)	Rape on physically handicapped or mentally retarded girl, pregnant woman, gang rape or custodial rape.	22
9	388 to 400	Persons guilty of extortion, robbery, dacoity, etc. under these sections.	14
10	409	Persons guilty of criminal breach of trust under this section.	14
11	412, 413	Persons guilty of offences related to stolen property under these sections.	14
12	436, 438	Persons guilty of mischief described under these sections.	14
13	449	Persons guilty of house-tress pass in order to commit offence punishable with death.	20
14	459	Persons guilty of causing grievous hurt whilst committing house-break or house tress pass.	14
15	460	Persons guilty of causing grievous hurt or death while committing of house-tress pass or house breaking.	18
16	467, 472, 474, 475, 489A, 489B, 489D	Persons guilty of forgery or counterfeit substance etc.	14
17	222, 225	Persons guilty of offences described under these sections.	20
18	232, 238, 255	Offences relating to of coin and Government stamps, Counterfeiting Government stamp.	20
19	-	Offences against the State.	30
20	-	Offences by extremists/terrorists/organized crimes or similar nature of offences.	40
21	-	The Goa Children's Act, 2003.	The State Government will decide individual cases on merit
22	-	Any other such offences which are not specifically covered in above categories.	The State Government will decide individual cases on merit

5. The State Sentence Review Board shall follow the procedure as laid down in the Goa Prisons Rules, 2021 and Goa Prisons Manual, 2016.

These guidelines shall come into force from that date of publication in the Official Gazette.

By order and in the name of the Governor of Goa.

*Pritidas Upasso Gaonkar*, Under Secretary (Home-I).

Porvorim, 11th May, 2022.

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